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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,319	03/04/2002	Yoshiharu Kamada	16869S-045000US	7140
20350 7590 05/23/2007 TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			EXAMINER GRAHAM, CLEMENT B	
			ART UNIT 3692	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/091,319

Applicant(s)

KAMADA ET AL.

Examiner

Clement B. Graham

Art Unit

3692

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION1.

1. Claims 1-14 remained pending in this application.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1, 7, are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Applicant's claims are directed to an algorithm. Specifically, claim 1 recites "transferring data", "determining" and "inquiring", however these steps are mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, for example) and abstract ideas without a practical application are found to be non-statutory subject matter. Therefore, Applicant's claims are non-statutory as they do not produce a useful, concrete and tangible result.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-7, are rejected under 35 U.S.C. 102(e) as being anticipated by Freeman et al (Hereinafter Freeman US Patent No: 6, 249, 775).

As per claim 1, Freeman discloses a financing application processing method in an electronic-commerce transaction system where a seller-side terminal that applies a financing, a buyer side terminal that establishes a transaction with said seller-side, and a center site that stores progress data on said transaction are connected to each other via a network, comprising the steps of:

said seller-side terminal transferring, to said center site, financing applying information including a target transaction set as a security and a suggested money-amount(see column 3 lines 33-48 and column 7 lines 61-67 and column 8 lines 1-67 and column 9-20 lines 1-67 and column 28-48 lines 1-67) said center site that receives said financing applying information making an inquiry of said buyer side terminal of said target transaction about a disclosure approval/disapproval of said progress data to a terminal of a financial institution connected to said network(see column 3 lines 33-48 and column 7 lines 61-67 and column 8 lines 1-67 and column 9-20 lines 1-67 and column 28-48 lines 1-67) said buyer-side terminal receiving an input of said buyer so as to transfer, to said center site, said disclosure approval/disapproval in response to said inquiry; and said center site that receives said disclosure approval/disapproval, in a case of receiving a disclosure approval, transferring, to said terminal of said financial institution, financing requesting information along with said progress data and said suggested money-amount. (see column 3 lines 33-48 and column 7 lines 61-67 and column 8 lines 1-67 and column 9-20 lines 1-67 and column 28-48 lines 1-67).

As per claim 2, Freeman discloses wherein said center site, in a case of receiving a disclosure disapproval of said progress data, notifies said seller-side terminal that said financing application is disapproved. (see column 3 lines 33-48 and column 7 lines 61-67 and column 8 lines 1-67 and column 9-20 lines 1-67 and column 28-48 lines 1-67).

As per claim 3, Freeman discloses wherein said progress data includes an identifier for indicating whether or not said transaction is preset as said security; and said center site, in a case where said identifier indicates that said transaction is preset as said security, notifying said seller-side terminal that said applying information can not be received. (see column 3 lines 33-48 and column 7 lines 61-67 and column 8 lines 1-67 and column 9-20 lines 1-67 and column 28-48 lines 1-67).

As per claim 4, Freeman discloses wherein said applying information includes a specification of said financial institution; and said center site transferring said financing requesting information to said terminal of said specified financial institution. (see column 3 lines 33-48 and column 7 lines 61-67 and column 8 lines 1-67 and column 9-20 lines 1-67 and column 28-48 lines 1-67).

As per claim 5, Freeman discloses wherein said financial institution transfers, to said center site, an approval/disapproval of said financing in response to said financing requesting information; and said center site that receives said approval/disapproval of said financing transfers said approval/disapproval of said financing to said seller side terminal. (see column 3 lines 33-48 and column 7 lines 61-67 and column 8 lines 1-67 and column 9-20 lines 1-67 and column 28-48 lines 1-67).

As per claim 6, Freeman discloses wherein said terminal of said financial institution transfers, to said center site, a financing-capable money-amount in response to said financing requesting information; and said center site-that receives said financing-capable money-amount transferring said financing-capable money-amount to said seller-side terminal. (see column 3 lines 33-48 and column 7 lines 61-67 and column 8 lines 1-67 and column 9-20 lines 1-67 and column 28-48 lines 1-67).

As per claim 7, Freeman discloses a financing application processing method in a center site that is connected via a network to a seller-side side terminal applying a financing and a buyer-side terminal establishing a transaction with said seller-side, wherein said center site has a database for storing progress data on said transaction(see column 3 lines 33-48 and column 7 lines 61-67 and column 8 lines 1-67 and column 9-20 lines 1-67 and column 28-48 lines 1-67) receives financing applying information including a target transaction set as a security and a suggested money-amount(see column 3 lines 33-48 and column 7 lines 61-67 and column 8 lines 1-67 and column 9-20 lines 1-67 and column 28-48 lines 1-67) makes an inquiry of said buyer-side terminal of said target transaction about a disclosure approval/disapproval of said progress data to a financial institution; and in a case of receiving a disclosure approval for said inquiry from said buyer-side side terminal, transfers, to said financial institution, financing requesting information along with said progress data and said suggested money-amount. (see column 3 lines 33-48 and column 7 lines 61-67 and column 8 lines 1-67 and column 9-20 lines 1-67 and column 28-48 lines 1-67).

As per claim 8, Freeman discloses wherein, in a case of receiving a disclosure disapproval in response to said inquiry, said center site notifies said seller-side

terminal that said financing application is disapproved. (see column 3 lines 33-48 and column 7 lines 61-67 and column 8 lines 1-67 and column 9-20 lines 1-67 and column 28-48 lines 1-67).

As per claim 9, Freeman discloses wherein said progress data includes an identifier for indicating whether or not said transaction is preset as said security; and in a case where said identifier indicates that said transaction is preset as said security, said center site does not perform said inquiry to said buyer-side terminal, and notifies said seller-side terminal that said financing can not be received in response to said applying information. (see column 3 lines 33-48 and column 7 lines 61-67 and column 8 lines 1-67 and column 9-20 lines 1-67 and column 28-48 lines 1-67).

As per claim 10, Freeman discloses wherein said received applying information includes a specification of said financial institution; and said financing requesting information is transferred to said specified financial institution. (see column 3 lines 33-48 and column 7 lines 61-67 and column 8 lines 1-67 and column 9-20 lines 1-67 and column 28-48 lines 1-67).

As per claim 11, Freeman discloses wherein said center site receives an approval/disapproval of said financing in response to said financing requesting information; and said center site transfers said approval/disapproval information of said financing to said seller-side terminal. (see column 3 lines 33-48 and column 7 lines 61-67 and column 8 lines 1-67 and column 9-20 lines 1-67 and column 28-48 lines 1-67).

As per claim 12, Freeman discloses wherein, in a case of receiving an approval of said financing along with a financing capable money-amount, said financing-capable money amount is transferred to said seller-side terminal. (see column 3 lines 33-48 and column 7 lines 61-67 and column 8 lines 1-67 and column 9-20 lines 1-67 and column 28-48 lines 1-67).

CONCLUSION

RESPONSE TO ARGUMENTS

5. Applicant's arguments filed 2/9/2007 has been fully considered but there are not persuasive for the following reasons.

6. Applicant's claims 1, 7, states "to transfer" in a case of".

However the subject matter of a properly construed claim is defined by the terms that limit its scope. It is this subject matter that must be examined. As a general matter, the grammar and intended meaning of terms used in a claim will dictate whether the language limits the claim scope. Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation. The following are examples of language that may raise a question as to the limiting effect of the language in a claim:

- (A) statements of intended use or field of use,
- (B) "adapted to" or "adapted for" clauses,
- (C) "wherein" clauses, or
- (D) "whereby" clauses.

This list of examples is not intended to be exhaustive. See also MPEP § 2111.04.

****>**USPTO personnel are to give claims their broadest reasonable interpretation in light of the supporting disclosure. In re Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim should not be read into the claim. E-Pass Techs., Inc. v. 3Com Corp., 343 F.3d 1364, 1369, 67 USPQ2d 1947, 1950 (Fed. Cir. 2003) (claims must be interpreted "in view of the specification" without importing limitations from the specification into the claims unnecessarily). In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969). See also In re Zletz, 893 F.2d 319, 321-22, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989) ("During patent examination the pending claims must be interpreted as broadly as their terms reasonably allow.... The reason is simply that during patent prosecution when claims can be amended, ambiguities should be recognized, scope and breadth of language explored, and clarification imposed.... An essential purpose of patent examination is to fashion claims that are precise, clear, correct, and unambiguous. Only in this way can uncertainties of claim scope be removed, as much as possible, during the administrative process.").<

Where an explicit definition is provided by the applicant for a term, that definition will control interpretation of the term as it is used in the claim. Toro Co. v. White

Consolidated Industries Inc., 199 F.3d 1295, 1301, 53 USPQ2d 1065, 1069 (Fed. Cir. 1999) (meaning of words used in a claim is not construed in a "lexicographic vacuum, but in the context of the specification and drawings."). Any special meaning assigned to a term "must be sufficiently clear in the specification that any departure from common usage would be so understood by a person of experience in the field of the invention." *Multiform Desiccants Inc. v. Medzam Ltd.*, 133 F.3d 1473, 1477, 45 USPQ2d 1429, 1432 (Fed. Cir. 1998). See also MPEP § 2111.01.

7. In response to Applicant's arguments as it pertains to the reference the examiner apologizes or typical errors, however it is Applicant's responsibility to read the reference in its entirety.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B Graham whose telephone number is 571-272-6795. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 703-308-0505. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications and 703-305-0040 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CG

April 29, 2007


FRANTZY POINVIL
PRIMARY EXAMINER
Au 3692